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O.P.No.101 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **16.07.2025**

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THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**

O.P.No.101 of 2025

1.Mr.Irfan Ahmed

2.Mrs.Zubeda

...Petitioners

PRAYER: Original Petition filed under Section 3, 7 to 10 and 29 of Guardian Wards Act, 1890 read with Order XXI Rule 2 and 3 of the OS Rules to appoint the petitioners as guardian of the person and property of the minors grant permission to the petitioners, being the Father and Mother/Natural Guardians of Minors (i) Ajwaa Farheen, aged about 15 years and (ii) Safa Sadia, aged about 14 years, to sell, convey and transfer their undivided shares to an extent of 890 sq.ft. in the petition schedule property as per Sale Agreement dated 29.02.2024 entered along with co-owners in favour of the purchaser Mr.K.R.Sathar Khan, grant permission to the petitioners to invest Minors' share sale price of Rs.47,12,112/- as per the terms and conditions that may be imposed by this Court.

For Petitioners : Mr.L.Dhamodharan

**ORDER**

By this petition, the parents and natural guardian of the minor children,

Ahwaz Farheen and Safa Sadia, seek to appoint them as the guardian of the Minor Children and permission to deal with the minor's share of the property. The petitioners are the father and mother of the minor children.

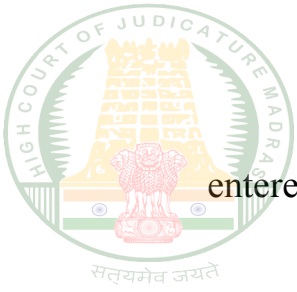
2. The petitioners assert that the subject property was purchased by the grandfather of the minor children and father of the petitioner. The grandfather had settled the subject property in favour of his grandchildren along with land and building to an extent of 1511 sq.ft. vide document No.1006 of 2014 dated 10.03.2024. Further, the larger extent of the land which is adjoined with the subject property was proposed to be sold along with the subject land. The said larger extent originally belonged to Mrs.Akthar Jan, the grandmother of the petitioner. After her demise, it was devolved upon his legal heirs including the father of the petitioner. The legal heirs of Mrs.Akthar Jan along with minor children represented by their parents entered into Agreement of sale on 29.02.2024 for a sale consideration of Rs.80,00,000/-. From the said sale consideration a sum of Rs. 47,12,112/- is fixed as minor children share. In



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order to meet the minors' studies and also future expenses, it is required to sell the properties mentioned in the petition schedule. Hence, it is necessary to appoint the petitioners as guardians of the minor children and permit them to sell the shares of the Minor children for their benefit.

3. In order to establish entitlement to the relief claimed, the first petitioner adduced evidence by examining himself as PW1. In the course of the examination in chief as PW1, 19 documents listed at the foot of this order were exhibited as Ex.P1 to Ex.P19. The birth certificates of the Minor Children have been marked as Ex.P13 and Ex.P14, discloses children born on 21.03.2008 and 18.03.2009. The photocopy of the settlement deed dated 10.03.2014 as Ex.P4, shows that the subject property was settled in favour of the minor children by their grandfather. The agreement of sale as Ex.P9. The photocopy of the Aadhar cards of the petitioners as Ex.P18 and Ex.P19. A perusal of Ex.P13, Ex.P14 and Ex.P18 shows that the first petitioner is the father of the minor children. A perusal of Ex.P18 and Ex.P19 shows that the second petitioner is the wife of the first petitioner. The proposed purchaser has been examined as PW1 and deposed that the agreement of sale was



entered and confirmed the share of the minor children.

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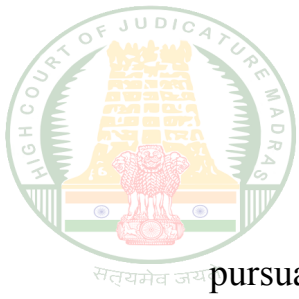
4. The assertions in the petition have been duly proved by adducing oral evidence supported by documents. In these circumstances, the petitioners are is entitled to the relief.

5. Based on the evidence adduced by the petitioners, the petitioners are entitled to the relief claimed on the following terms:

(i) The petitioners are appointed as Guardian of the person and property of the minor children.

(ii) The petitioners are to sell, convey and transfer their undivided shares in the property to an extent of 890 sq.ft. more fully described in the schedule to the petition as per Sale agreement dated 29.02.2024 in favour of Mr.K.R.Sathar Khan.

(iii) The sale proceeds to the share of the minor children to a tune of Rs.47,12,112/- shall be deposited in a fixed deposit of any Nationalised Bank which shall be renewed periodically till they attain the age of majority.



(iv) File before this Court the accounts as regards to the transaction pursuant to this order and produce the copy of the fixed deposit receipts within six months before the Assistant Registrar (Original Side-II) of this Court.

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Index :Yes/No

Petitioner's witness:

P.W.1 – Mr.Irfan Ahmed

P.W.2 – Mr.K.R.Sathar Khan

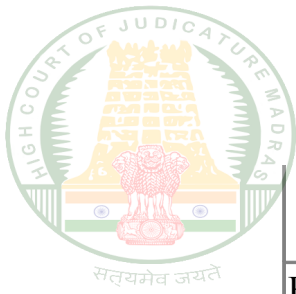
Documents exhibited by the petitioners:

Exhibits	Documents
Ex.P1	Photocopy of the Sale deed dated 18.06.1987 executed in favour of Mrs.Akthar Jan (Compared with the original)
Ex.P2	Photocopy of the sale deed dated 18.06.1987 executed in favour of Mr.A.Nissar Ahmed (Compared with the original)
Ex.P3	Photocopy of the extract from permanent extract from the Town Survey Land Register dated 10.01.1990 in respect of the property standing in the names of 1.Mr.Hajee Mohamed Yacob, 2.Mrs.Akthar Jan, 3.Mr.A.Nissar Ahmed (Compared with the original)
Ex.P4	Photocopy of the settlement deed dated 10.03.2014.(Compared with the original)



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Ex.P5	Computer generated death certificate of Mrs.Akthar Jan along with the certificate under Section 65 B of the Indian Evidence Act, 1872.
Ex.P6	Computer generated legal heirship certificate of Mrs.Akthar Jan along with the certificate under Section 65 B of the Indian Evidence Act, 1872.
Ex.P7	Computer generated heirship certificate of Mr.Nisar Ahmed along with the certificate under Section 65 B of the Indian Evidence Act, 1872.
Ex.P8	Computer generated death certificate of Mr.Nisar Ahmed along with the certificate under Section 65 B of the Indian Evidence Act, 1872.
Ex.P9	Photocopy of the sale agreement dated 29.02.2024 executed in favour of Mr.K.R.Sathar Khan(Compared with the original)
Ex.P10	Online printout of certificate of extract from permanent land register dated 25.07.2024 along with the certificate under Section 65 B of the Indian Evidence Act, 1872.
Ex.P11	Online printout of encumbrance certificate for the period 01.01.1987 to 22.11.2022 along with the certificate under Section 65 B of the Indian Evidence Act, 1872.
Ex.P12	Online printout of the water tax receipt standing in the name of Mr.A.Nisar Ahmed along with the certificate under Section 65 B of the Indian Evidence Act, 1872.
Ex.P13	Computer generated birth certificate of Ms.N.I.Ajwaa Farheen along with the certificate under Section 65 B of the Indian Evidence Act, 1872.
Ex.P14	Computer generated birth certificate of Ms.N.I.Safa Sadia along with the certificate under Section 65 B of the Indian Evidence Act, 1872.
Ex.P15	Online printout of property tax receipt dated 27.06.2022 in respect of the property standing in the name of



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	Mrs.G.Akthar John along with the certificate under Section 65 B of the Indian Evidence Act, 1872.
Ex.P16	Photocopy of the bonafide certificate dated 26.07.2024 issued by Hidhaaya Islamic College for Girls to Ms.Ajwaa Farheen (Compared with the original)
Ex.P17	Photocopy of the bonafide certificate dated 26.07.2024 issued by Hidhaaya Islamic College for Girls to Ms.Safa Sadia(Compared with the original)
Ex.P18	Photocopy of Aadhar Card of P.W.1(Compared with the original)
Ex.P19	Photocopy of the Aadhar card of 2 nd petitioner.(Compared with the original)

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